

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE: PERRY G HOLDEN II
4694 WESTSHIRE DR NW
COMSTOCK PARK, MI 49321-9324

CASE NO: BG-23-01335
Chapter 13
HON. JAMES W. BOYD
Filed: June 09, 2023

Confirmed: October 27, 2023

TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

FAILURE TO MAKE PAYMENTS ACCORDING TO THE CHAPTER 13 PLAN. THE LAST PAYMENT OF \$1,780.00 WAS RECEIVED ON OCTOBER 31, 2023. PAYMENTS SHOULD BE \$3,750.00 MONTHLY. THE PLAN ARREARS ARE ESTIMATED AT \$15,800.00.

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtor's Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S. C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

January 18, 2024

/s/ Barbara P. Foley
Barbara P. Foley (P34558)
CHAPTER 13 TRUSTEE
Po Box 51109
Kalamazoo, MI 49005
(269)343-0305

This document has been electronically filed with the Court and the Attorney for Debtor and mailed to the Debtor.

Attorney for Debtor:

CHASE & BYLENGA PLLC
25 DIVISION AVE SOUTH STE 500
GRAND RAPIDS, MI 49503

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NOTICE OF MOTION TO DISMISS

NOTICE IS HEREBY GIVEN that the Chapter 13 Trustee has filed a Motion to Dismiss in the above captioned proceeding. A copy of said Motion is attached to this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The Debtor may file a written objection to the Trustee's Motion to Dismiss with:

Clerk of the Bankruptcy Court
One Division Avenue N
Room 200
Grand Rapids, MI 49503

AND

Barbara P. Foley
Chapter 13 Trustee
Po Box 51109
Kalamazoo, MI 49005
(269)343-0305

In compliance with Local Bankruptcy Rule 9013(d) and Federal Rules of Bankruptcy Procedure 9013 and 9014, said written objection shall be filed within thirty (30) days from the date of service of the Trustee's Motion. If an objection is filed, a hearing will be held on April 18, 2024 at 9:00 am at the Bankruptcy Court, U.S. Bankruptcy Court, One Division Ave. NW, 3rd Floor, Courtroom B, Grand Rapids, Michigan. If a proper objection is not timely filed the Trustee may file with the Court an Affidavit of No Response together with a proposed Order to Dismiss. The Court shall enter the Order without a hearing upon receipt of the Affidavit.

Served by: BJH on: 01/18/2024

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PROOF OF SERVICE

On the date below, I mailed a copy of the TRUSTEE'S MOTION TO DISMISS by regular first class mail to Debtor and electronic service on Debtor's Attorney .

PERRY G HOLDEN II
4694 WESTSHIRE DR NW
COMSTOCK PARK, MI 49321-9324

CHASE & BYLENGA PLLC
25 DIVISION AVE SOUTH STE 500
GRAND RAPIDS, MI 49503

I declare that the above statements are true to the best of my information , knowledge, and belief.

Dated: January 18, 2024

/s/ Beckie Hadley

Assistant to Barbara P. Foley
Chapter 13 Trustee
PO BOX 51109
KALAMAZOO, MI 49005
(269)343-0305